



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

MEMORANDUM 14-

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: RICK ABBOUD, CITY PLANNER
DATE: SEPTEMBER 9, 2014
SUBJECT: DRAFT ORDINANCE AMENDING RO ZONING DISTRICT ALONG EAST END ROAD

As requested by the City Council, the Planning Commission reviewed the Comprehensive Plan Land Use Recommendations in regards to the East End Road corridor found generally in the easterly direction from the intersection of East Hill Road. Much of information was covered in my memo (14-117, dated July 23, 2014) attached to the City Managers Report of July 28, 2014. After a very thorough review of the proposed area of consideration by Councilman Van Dyke, the comprehensive plan maps and text, all the permitted and conditionally permitted uses in the entire city, and the input (rather lack of) from 2 noticed public hearings (August 6 & 20) to all property owners in and adjacent to the proposal, the Planning Commission voted unanimously to oppose any zoning change at this time.

Many factors contributed to the decision of the Planning Commission. Outlined in Memo 14-117 was the desire to not pull business opportunities for infill out of the other business districts, concern about introducing additional congestion along East End Road in an area already dominated by turning lanes to East Hill Road and Paul Banks Elementary, and foremost the lack of support by any developer or property owner for the zoning change.

Recommendation:

The Homer Advisory Planning Commission recommends the City Council **not** change the current zoning along East End Road.

Attachments:

Staff Reports 14-78, 14-70, 14-67, 14-59, 14-52 and 14-43
Planning Commission meeting minutes excerpts from 8.20, 8.6, 7.16, 6.18, 6.4 and 5.21
Draft Ordinance to rezone a portion of the RO District to RR 8.6
Draft Ordinances to modify the RO District dated 7.16, 6.18 and 6.4
Memo 14-117 Rick Abboud Update to Mayor and Council
City Council meeting minutes excerpt from 5.12
Comprehensive Plan Land Use Recommendations



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Staff Report 14-78

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 20, 2014
SUBJECT: Draft ordinance amending RO zoning district on East End Road

Last meeting the Planning Commission held a public hearing on whether or not 15 properties currently zoned Rural Residential should be change to Residential Office. Only one property owner submitted a comment and none testified. The one comment that was received expressed concern to whether Blackwell Pump would be negatively affected. Not one property owner or developer or anyone else has suggested their desire or the need to operate any of the additional uses allowed in a Residential Office District (RO) in this area. Additionally, there are several vacant lots located on East End Road in the RO district immediately to the west of the proposed expansion.

Unless we hear from some people expressing a demand for the opportunities that an expanded RO district would provide, I am extremely hesitant to recommend this a change in the zoning map. This issue has been forwarded several times in the last 8 years or so and not come to fruition. Reviewing the evidence so far, it seems to revolve around the business with the Blackwell sign on it.

This map amendment does nothing to change the status of the pump business located within. Blackwell lost a court case that determined he did not have a right to continue his long time use of the lot. The restriction of uses of this lot was a result of the first introduction of zoning to the City of Homer. The operation, as I understand it, does not cleanly fit into code. It could be supported in the Central Business District if all activities and storage were within an enclosed building and some attention given to design manual concepts. As I see it, it is best suited for the East End Mixed Use or General Commercial 1 or 2 Districts. This being the case, there is a very good reason the zoning has not changed to accommodate it.

The RO district is meant to be a buffer between a commercial district and a residential district, not a full blown commercial district. In order to accommodate a business such as Blackwell, all others in the same district would have the same opportunity. So not just one "Blackwell" but, possibly "Blackwell" in every lot.

Please consider your recommendation to the City Council carefully. Discuss your reasoning for support or opposition to the proposal. Below is the Planning Department review of the code and general analysis of condition.

Surrounding Land Use:

North:	RR	Residential and multi-family
South:	UR	Urban Residential
East:	RR	Rural Residential
West:	RO	Residential Office

Comprehensive Plan: “NC Neighborhood Commercial East End Road – limited numbers of small scale, local serving commercial areas, designed to meet the convenience commercial service needs of neighborhood residents. The objectives behind this recommendations category might also be met through the Planned Unit Development process or an overlay zone allowing more commercial and retail uses than the underlying Residential Office District.”

Wetland Status: Possible wetlands in northwest corner of Lot 1 Watson Ridge and southeast corner of Lot B-3-B Mutch-Gangl 2005 Addn,

Flood Plain Status: Zone D: Areas in which flood hazards and undetermined.

BCWPD: Not within the Bridge Creek Watershed Protection District

Utilities: City water and sewer is available or extension possible.

Benefits of the rezone:

- Creates additional areas for office operations that value frontage on an arterial road.
- May open a new area open to business activities with minimal additional infrastructure requirements or public expenditures.
- Provides an opportunity to increase the tax base with additional businesses.
- Increases the value of the property currently located in the proposed rezone area (as suggested by the Kenai Peninsula Borough Assessor’s office).
- Provides more options for development of vacant properties

Detriments of the rezone:

- More traffic may be introduced during the start and finish of the workday.
- Arterial development creep may discourage infill development in the Central Business District.
- May encourage strip development that is to be discouraged according to comprehensive plan.

Existing Conditions:

- The area proposed to be rezoned is served by a paved arterial and is served by city water and sewer or it is nearby for consideration of extension.
- The proposed area also abuts the Residential Office district to the west and a residential zone is found to the East North and South. The progression of zoning district, west to east, is CBD, RO, and lastly RR.
- Current uses in the proposed area include a mixture of single family, nonconforming business and vacant land.

PARCEL_ID	USEAGE	ACREAGE
17903021	100 Residential Vacant	4.85
17903033	110 Residential Dwelling - single	0.50
17903034	110 Residential Dwelling - single	0.64
17903080	110 Residential Dwelling - single	1.13
17903083	110 Residential Dwelling - single	5.45
17903016	130 Residential Mobile Home	0.95
17903063	350 General Commercial (Mobile Home and former water fill up location)	0.52
17903076	100 Residential Vacant	0.96
17903079	100 Residential Vacant	0.73
17903027	100 Residential Vacant	0.50
17903066	350 General Commercial (Blackwell Pump)	1.10
17903082	110 Residential Dwelling - single	1.27
17903065	110 Residential Dwelling - single	0.93
17903077	100 Residential Vacant	2.62
17903078	100 Residential Vacant	0.68
	Total Acreage	22.83
	Vacant lots: 6, Acreage:	10.34

Function of Zone:

- Currently, the area proposed for expansion of the Residential Office District supports rural activities with larger lot sizes focused on support of residential uses.
- The proposed area would provide an even larger buffer between the CBD and Urban Residential district as does the existing RO districts and would support smaller lot size and general office uses.

Nonconforming Uses and Structures.

At least three nonconforming uses have been identified in the area proposed for rezone along with two structures. Currently, no properties in the area proposed for rezone has been subject to code enforcement: no complaints have been recorded and no activities or conditions have been found have significant negative impact the health, safety and welfare of the nearby residents or the community in general. Code enforcement activity commencement is generally determined in relation to the condition mentioned above in relation to the entire community. The propose rezone is based on the need for support of . Additionally, I have noticed a lot that is used for grazing horses, this use would become subject to rules regarding nonconforming uses, as it is not supported in the Residential Office District. The two mobile homes found in the area for rezone would become nonconforming and if moved or damaged above 50% of the value they would have to be discontinued.

Analysis

HCC 21.95.020 states that a zoning map amendment may be initiated by a member of the City Council.

City Councilman Van Dyke introduced Ordinance 14-19, proposing to rezone property near East End Road and City Council requested that the Commission review Homer Comprehensive Plan recommendations.

Per HCC 21.95.050 The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

After reviewing the comprehensive plan recommendations, the proposal is consistent with the suggested area and zoning designation. The Planning Commission makes the recommendation with consideration for the intent of the comprehensive plan in consideration of the effect on the nearby properties and the wider community.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Conditions in this area have been consistent over time. Several lots and nearly half of the acreage has remained vacant. The two businesses found in the area are not found to be listed as uses in the current Rural Residential District and neither in the proposed Residential Office District.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity

of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns

It is difficult to see the interest of the public as we have found no indication that the landowners of the fifteen lot or any surrounding lots seek the change. No proposals have been suggested that would take advantage of a new zoning classification. A good deal of vacant land exists in the Residential Office District on East End Road leading to the proposed area of expansion. East End Road in this area is dominated by a turning lane into Paul Banks Elementary School and no other provisions are found for making left hand turns. It would lead one to believe that State DOT would want to limit driveway accesses in the area. Extension of the zone would fit into long range land use patterns as demand would dictate. Up zoning any more than to the Residential Office would lead to leakage from other districts especially the Central Business District where a desire to concentrate business is expressed in the comprehensive plan.

STAFF RECOMMENDATIONS:

Hold a Public Hearing, giving consideration to testimony. Review and discuss staff report and forward recommendation to the City Council. It is not the recommendation of staff to forward the proposed change in zoning unless convincing public testimony is provided about the demand for the change.

ATTACHEMENTS:

1. Lay down comment from Aug 6th meeting: Gloria Corey
2. Sharon Minsch Comment dated Aug. 15, 2014
3. Utilities Map
4. Residential Office Regulations
5. Draft Ordinance 14-XX
6. Exhibit A
7. Exhibit B
8. Public Notice

Lay Down at August 6, 2014 HAPC Meeting

In regard to Public Hering by the Homer Advisory Planning Commission on Wednesday, August 6, 2014 at 6:30 p.m. at the Homer City Hall

Thank you Travis for the links - I have a concern that Blackwell Pump (Wholesale Retail) and Quick Draw (Retail) would have to find another locale for their business location - Am I reading the proposal correctly? If so, I would like to state that Don Blackwell has been a good neighbor to my husband and I in many caring ways and I would hope that this new zoning would not force him to find a new location?

This comment is for tonights public hearing that I am unable to attend - so during the three inute comment from those in attendance please read my concern into the record

Thank You

Gloria F. Corey and William A Corey

access road by Blackwells to 1410 East End Road

PO Box 1155

Homer, Alaska 99603

phone 235-1897



Regarding the public hearing on a proposed amendment to the Homer Zoning Code to rezone a few properties on East End from Rural Residential to Residential Office. We live next door to Paul Banks and are zoned RO. We are allowed office and residential uses. That is compatible with the area homes and the school.

There is no reason given to rezone the residential homes in this area to RO. Why is this being proposed and what is the purpose? What benefit is there to the City of Homer?

The comprehensive plan specifically outlines efforts to prohibit urban sprawl. This area is to be a buffer between the road, town and the heavy industrial activity further out the road. The property owners are not asking for this area to be rezoned. The newest building activity in this area of RO has been multi family, residential and office. A check of the records will show that the Blackwell property owner went to court and the court ruled against the property owner. The problem was not created by the City and is not the responsibility of the City to solve yet I still hear people publically continue to vilify the City for not fixing the problem.

When the property was purchased by Blackwell the previous business was closed and shut down. There were no grandfather rights transferred. The property has operated illegally under the current zoning and continues to do so even though the court ruled against them. I do not understand why the City allows it to continue but that does not make it legal.

I have nothing against Don Blackwell. He is well known and respected in Homer. This issue is not about him or his property. Changing zoning for the entire City to try to solve a problem for one property owner is basically "spot" zoning and it is not legal. Trying to rezone this problem away is not responsible nor does this make any sense.

I do not believe that the current business operating at the Blackwell property is permitted in RO zoning. This only makes the zoning issue worse. Storing commercial water tanks, pipe or well drilling equipment is not permitted in RO. A retail store selling products is not permitted in RO. Changing the zoning to RO does not solve the Blackwell property problem.

Permitting a commercial/industrial activity at this location by rezoning to RO would then permit this type of commercial/industrial activity in any RO zone in town. Industrial storage such as large water tanks, pipe and well drilling equipment nor retail store fronts are appropriate or allowed in Residential Office zoning.

If there is a need for more commercial/industrial/retail activity on East End Road it should include the entire area from Lake Street out to the E End Mixed use. It should happen after a review and amendment to the Comp plan. It should be because Homer needs more land zoned for those type of activities and not done as an attempt to make a non-confirming use legal. There is nothing any different about these lots proposed to be rezoned RO from the rural residential use they are except the one non-confirming illegally operating business that is part of it.

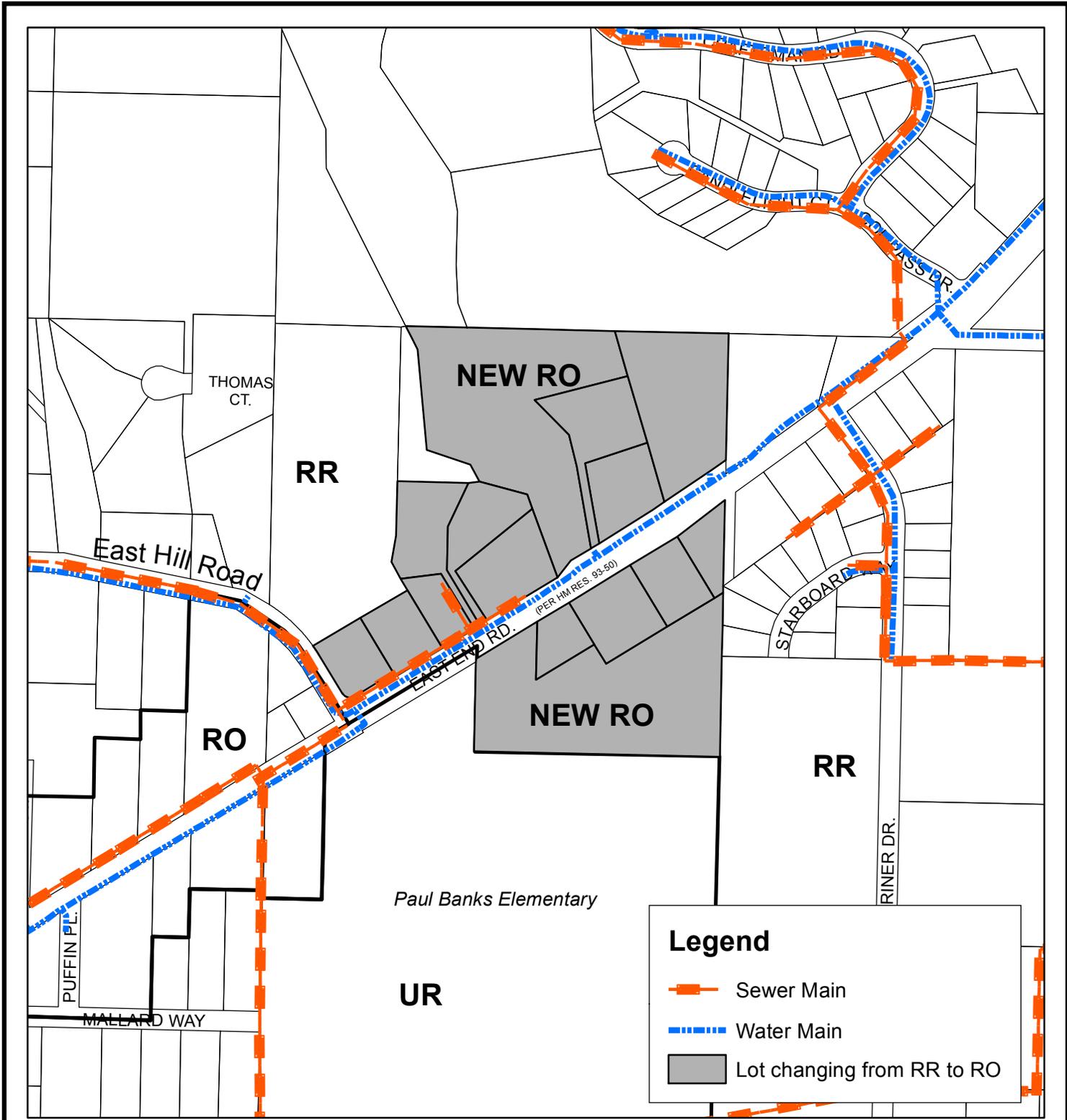
If the City Council wants to find a way to solve the Blackwell property problem they should do it without opening the City up for lawsuits. Expanding RO zoning in this little area does not serve the area nor the City well at this time. Rezoning the area surrounding Blackwell does not fix the problem.

Sharon Minsch 1379 E. Edn Road #1 submitted electronically 8-15-2014

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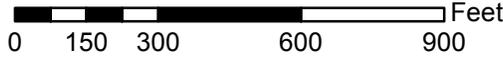
8/15/2014

**CITY OF HOMER
PLANNING/ZONING**




City of Homer
 Planning and Zoning Department
 8/13/14

Utilities Map




Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

Chapter 21.16RO RESIDENTIAL OFFICE DISTRICTSections:

- 21.16.010 Purpose.
- 21.16.020 Permitted uses and structures.
- 21.16.030 Conditional uses and structures.
- 21.16.040 Dimensional requirements.
- 21.16.050 Site and access.
- 21.16.060 Traffic requirements.
- 21.16.070 Site development standards.
- 21.16.080 Nuisance standards.
- 21.16.090 Lighting standards.

21.16.010 Purpose. The residential office district is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods. (Ord. 08-29, 2008).

21.16.020 Permitted uses and structures. The following uses are permitted outright in the residential office district:

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple family dwelling, provided the structure conforms to HCC § 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast and hostel;
- e. Home occupations; provided they conform to the requirements of HCC § 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

l. Private exterior storage of the occupant's personal noncommercial equipment, including non commercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

m. Other customary accessory uses to any of the permitted uses listed in the residential office district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.

n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a manner consistent with the requirements of the Homer City Code and as long as such animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

o. Day care homes; provided, however, that outdoor play areas must be fenced.

p. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.

q. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.

r. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot. (Ord. 11-44(S) §2 (part), 2011; Ord. 11-23(A) §3 (part), 2011; Ord. 09-34(A) §8 (part), 2009; Ord. 08-29, 2008).

21.16.030 Conditional uses and structures. The following uses may be permitted in the residential office district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Planned unit developments, excluding all industrial uses;
- b. Townhouses;
- c. Public or private schools;
- d. Hospitals and medical clinics;
- e. Public utility facilities and structures;
- f. Mortuaries;
- g. Day care facilities; provided, however, that outdoor play areas must be fenced.

h. More than one building containing a permitted principal use on a lot.

- i. Group care homes.
- j. One small wind energy system having a rated capacity exceeding 10 kilowatts, provided that it is the only wind energy system of any capacity on the lot.

k. Other uses approved pursuant to HCC §21.04.020.(Ord. 10-06 §1, (part), 2010; Ord. 09-34(A) §9 (part), 2009; Ord. 08-29, 2008).

21.16.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the residential office district:

- a. The minimum lot size is 7,500 square feet.
- b. Building setbacks;
 - 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

2. Residential buildings shall be set back from all other lot boundary lines according to the number of stories as follows:

<u>Number of Stories</u>	<u>Setback (in feet)</u>
1 story	5 feet
1 ½ half stories	6 feet
2 stories	7 feet
2 ½ half stories	8 feet

3. Non-residential buildings shall be set back 15 feet from all other lot boundary lines, except that this setback may be reduced to not less than the setback that would apply under HCC §21.16.040(b)(2) if the reduction is approved by the State Fire Marshal.

c. The maximum building height shall be 35 feet.

d. Detached accessory buildings may not occupy more than 25 percent of a required rear or side yard and no portion of a required front yard, and shall be located at least five feet from the nearest part of a main building and five feet from all property lines.

e. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit. (Ord. 10-06 §2 (part), 2010; Ord. 08-29, 2008).

21.16.050 Site and access. a. A zoning permit for any non-residential use or structure shall not be issued by the City without an approved site plan and an approved level two right-of-way access plan that conform to the standards of HCC Chapter 21.73.

b. All access points to rights-of-way shall conform to the standards of a level two right-of-way access plan stated in HCC Chapter 21.73. This applies to all uses and structures. (Ord. 08-29, 2008).

21.16.060 Traffic requirements. A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition),

b. Is estimated to generate more than 500 vehicle trips per day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition);

c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use;

d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection. (Ord. 10-06 §4, 2010).

21.16.070 Site development standards. a. All single family and duplex residential development in the residential office district shall comply with the level one site development standards contained in HCC § 21.50.020.

b. All multifamily residential and all commercial development on lands in this district shall conform to the level two site development standards set forth in HCC §21.50.030.(Ord. 10-06 §3 (part, 2010; Ord. 08-29, 2008).

21.16.080 Nuisance standards. The nuisance standards of HCC § 21.59.010 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §5, 2010).

21.16.090 Lighting standards. The level one lighting standards of HCC § 21.59.030 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §6, 2010).

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Planning

ORDINANCE 14-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) DISTRICT TO RESIDENTIAL OFFICE (RO).

WHEREAS, The Homer Advisory Planning Commission reviewed a request from the Homer City Council to review the Homer Comprehensive Plan in regards to recommendations found for Neighborhood Commercial East End rezone, and

WHEREAS, The Homer Advisory Planning Commission, after extensive review, recommends rezoning property from the Rural Residential District to the Residential Office Zoning District; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the matter on August 6, 2014, as required by Homer City Code, Section 21.70.020; and

WHEREAS, The Homer Advisory Planning Commission finds the area of map amendment represents of an extension of an existing boundary contiguous to an existing zoning district; and

WHEREAS, The Homer Advisory Planning Commission determined the map amendment is consistent with the Comprehensive Plan; and

WHEREAS, The Homer Advisory Planning Commission determined the rezone applies a district that is better suited to the proposed area for the zoning map amendment; and

WHEREAS, The Homer Advisory Planning Commission has found that the zoning map amendment is in the best interest of the public; and

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map will be amended as per attached Exhibit A, to extend Residential Office zoning to include all parcels listed on Exhibit B.

Section 2. The City Planner is authorized to sign the map and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).

Section 3. This is a non Code Ordinance of a permanent Nature.

CITY OF HOMER

Mary E. (Beth) Wythe, MAYOR

ATTEST

Jo Johnson, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

REVIEWED AND APPROVED AS TO FORM AND CONTENT:

Walt Wrede, City Manager

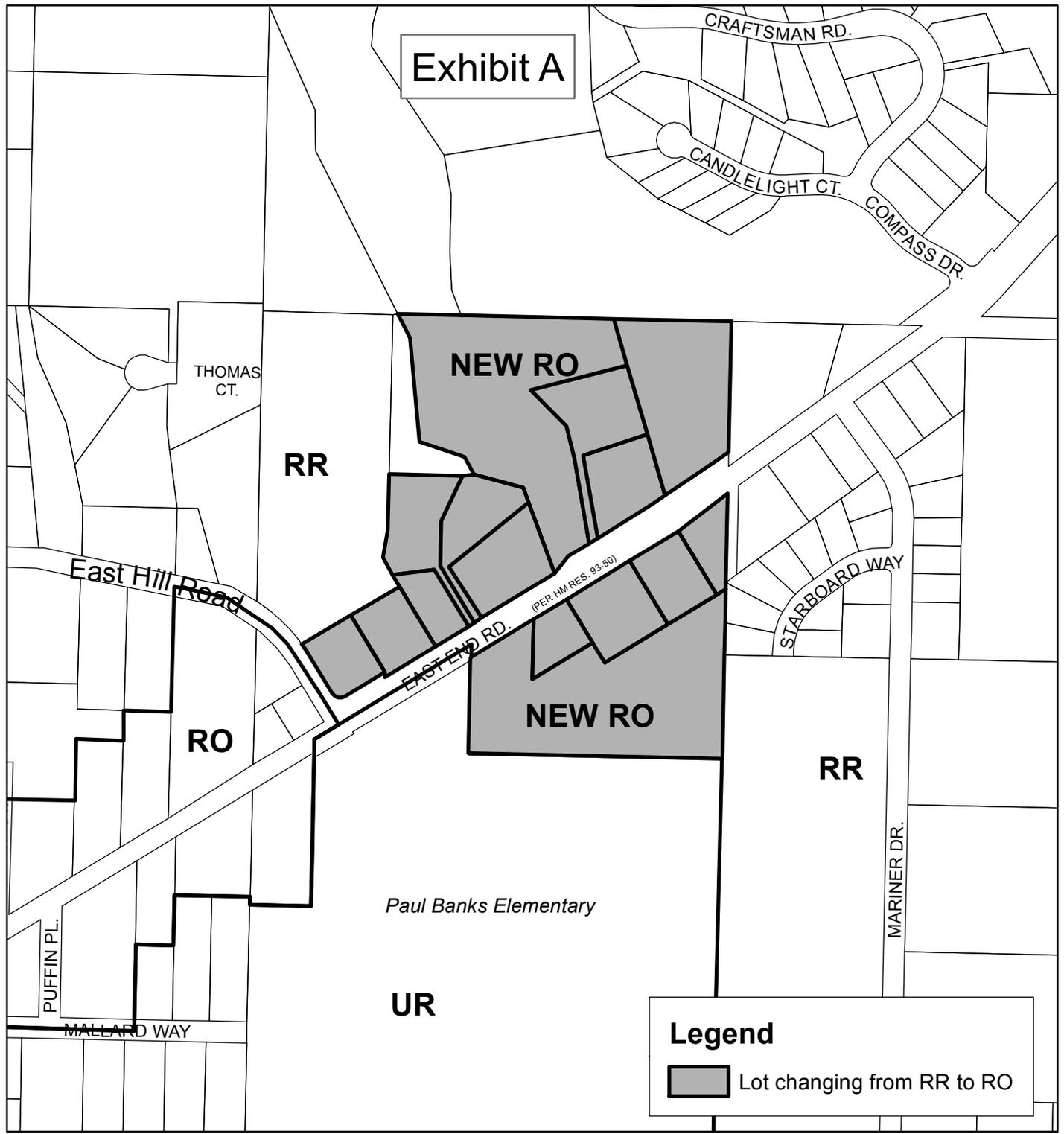
Date: _____

Tom Klinkner, City Attorney

Date: _____

Fiscal Note: Costs of mapping.

Exhibit A



Legend

Lot changing from RR to RO



City of Homer
Planning and Zoning Department

7/22/2014

Properties to be rezoned from Rural Residential to Residential Office



Disclaimer:
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

Tax ID	LEGAL DESCRIPTION
17903021	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 SW1/4 BEGIN @S1/4 CORNER COMMON TO SEC 16&21; TH N 0 DEG 13'20" W 1448.35 FT TO POB; TH W 714.79 FT; TH N 0 DEG 13'20"W 269.14 FT TO CENTER OF HOMER EAST RD; TH N57 DEG 17'30"E 208 FT ALONG CENTER OF RD;
17903033	T 6S R 13W SEC 16 SEWARD MERIDIAN HM THAT PORTION OF THE NE1/4 SW1/4 COMMENCING AT THE CENTER 1/4 CORNER OF SEC 16 TH PROCEEDING S 0 DEG 14 MIN E ALONG CENTERLINE 485.4 FT TO THE INTERSECTION WITH THE SOUTH ROW LINE OF HOMER EAST RD TO THE POB TH S 0 DE
17903034	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT INTERSECTION OF CENTERLINE OF SEC 16 WITH THE SOUTH ROW LINE OF HOMER EAST RD PROCEED S 00 DEG 14 MIN E 265.8 FT TH S 57 DEG 17 MIN 30 SEC W 23.7 FT TO THE POB TH N 32 DEG 42 MIN 30 SEC W TO HOMER EAST R
17903080	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 3-A
17903083	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 2
17903016	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 NE1/4 SW1/4 COMMENCE @SECT CORNER SECS 16 17 20 & 21 TH N1 DEG 11'40"W 568.5 FT TO SOUTH ROW LINE OF HOMER EAST RD; TH N70 DEG 14'E 354 FT; TH N57 DEG 17'30"E 2203.18 FT; TH S32 DEG 42'30"E 30 FT TO POB;
17903063	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 2
17903076	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-A
17903079	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 2
17903027	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT THE 1/4 CORNER COMMON TO SEC 16 & 21 TH PROCEED N 0 DEG 13 MIN 20 SEC W 1448.35 FT TH WEST 714.79 FT TH N 0 DEG 13 MIN 20 SEC W 233.49 FT TH N 57 DEG 17 MIN 30 SEC E 208 FT TO THE POB TH CONTINUE N 57 DE
17903066	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 5
17903082	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 1
17903065	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 4
17903077	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-B
17903078	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 1

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, August 20, 2014 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A second Public Hearing, per by HCC 21.95.060, regarding a proposed amendment to the official Homer City Zoning Map to change the Rural Residential district to the Residential Office District eastward along East End Road.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

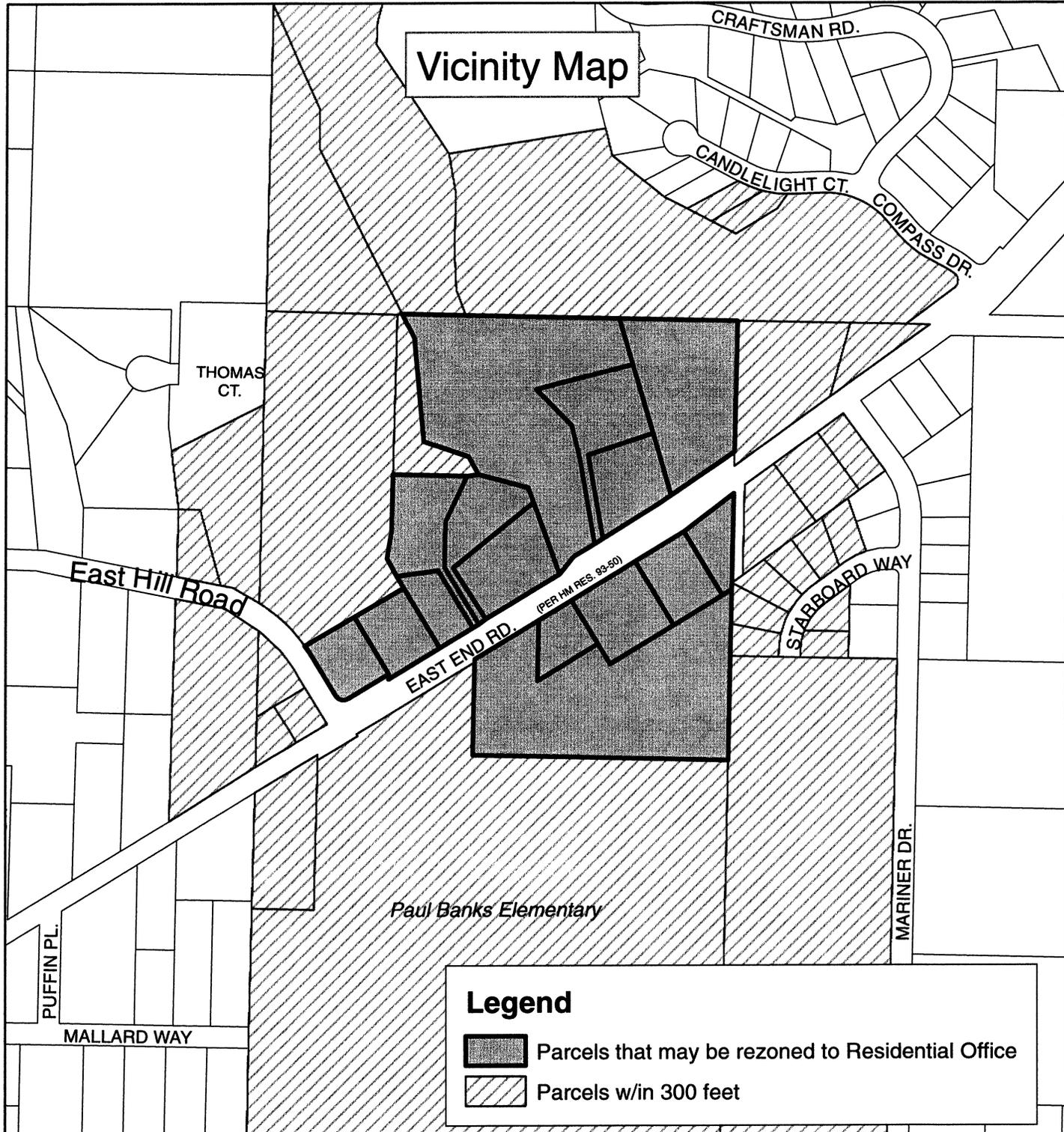
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown at the Planning and Zoning Office, 235-3106.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE

Vicinity Map



Legend

-  Parcels that may be rezoned to Residential Office
-  Parcels w/in 300 feet



City of Homer
Planning and Zoning Department

7/22/2014

Proposed rezone from Rural Residential to Residential Office

Marked lots are within 300 feet and property owners notified.



Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

A. Approval of Minutes of August 6, 2014 meeting

HIGHLAND/VENUTI MOVED TO ADOPT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

A. Public Works Director Carey Meyer – Public Safety Building Presentation

Public Works Director Meyer did not show up to present. City Planner Abboud gave a brief overview on the locations being considered for the project.

Reports

A. Staff Report PL 14-69, City Planner's Report

City Planner Abboud reviewed his report.

Commissioner Erickson and Venuti commented about the new sign at the high school and that it was flashing messages, besides just the date and time. City Planner Abboud said he would follow up.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

A. Staff Report PL 14-78, Proposal to expand the Residential Office Zoning District eastward along East End Road.

City Planner Abboud reviewed the staff report.

Commissioner Stead opened the public hearing.

Ray Kranich, city resident, commented that he understands this came to the Commission from Council but he questions what the reason is behind it. Is there a need for it? Is RO filled up or are there significant portions of RO still vacant that could be infilled? Basic principles of the Comp Plan and zoning aspects encourage infill rather than sprawl. He has to look at this and try to figure out what is behind it. He reviewed some history of the proposed area and also relating to the CUP for Blackwell in the area from his time on the Planning Commission. The Commission at the time, put their necks out and approved the CUP, and the Council backed the Commission's decision, it went to court and the City lost. He agrees with Sharon Minch's comments that a rezone should only be done when there is

significant need. The Commission's decision here is a very important and heavy one on stability in zoning.

There were no further comments and the public hearing was closed.

Question was raised as to why Councilmember Van Dyke's introduced the proposed ordinance. City Planner Abboud explained his understanding that it was language Mr. Van Dyke said he had seen in the Comp Plan. Mr. Abboud said he didn't want to speculate because isn't sure of the exact reason.

Commissioner Erickson raised the notion that that there are commercial activities going on in the proposed area and that perhaps the proposed area is more of a natural break in the uses that have been taking place for years. City Planner Abboud suggested the natural break is further down the road. He pointed out there are a lot of residences in the area, there are even horses grazing in the area. As Mrs. Minch mentions in her letter, he explained that if the Commission wants to support those types of businesses, it has to be re-positioned in the Comp Plan accordingly to the uses they want to see there and everyone in the district should be able to do it.

Commissioner Venuti referenced the Comp Plan which addresses a neighborhood commercial east end road district. It refers to limited number of small scale, local serving, commercial areas designed to meet the convenience of commercial service needs of neighborhood residents; that the objectives may also be met through the planned unit development process or an overlay zone allowing more commercial; and that the retail uses in the underlying residential office district. City Planner Abboud feels this refers more to neighborhood convenience where people would go to grab a gallon of milk or something like that. This same thing was included up in the West Hill area but the neighbors said no and it was taken out of the Comp Plan.

Commissioner Bos asked if this rezone would allow the activity that isn't allowed now to operate. City Planner Abboud said it would not.

VENUTI/ERICKSON MOVED TO APPROVE THE DRAFT ORDINANCE AMENDING RESIDENTIAL OFFICE ZONING ON EAST END ROAD AND FORWARD IT TO CITY COUNCIL FOR ADOPTION.

Commissioner Venuti said this is a nice notion, but doesn't see a good reason to support the change, and there hasn't been any support expressed by property owners in the area.

Commissioner Stroozas agreed and added that Mrs. Minch's comments weigh on his mind about opening up the City up to more litigation.

Commissioner Highland agreed that this change doesn't make sense.

VOTE: NO: BOS, STEAD, HIGHLAND, ERICKSON, VENUTI, STROOZAS, BRADLEY

Motion failed.

Plat Consideration



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report 14-70

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 6, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

At the last meeting of the Commission, a motion was made to hold a public hearing on a proposal to extend the Residential Office District along East End Road. So far, we have not had input from nearby affected residents or residents owning property in the area proposed for a map amendment. Without this input, I am hesitant to cement the findings of the Commission. What this means process-wise is that the Commission will need to at least review the item and all its anticipated effects at least once more before a recommendation to the City Council. Staff believes several items deserve consideration including demand, utilities, and the creation of nonconformities. Perhaps another public hearing will be in order.

Below is a copy of my memo to the City Council, as I feel it best explains, in a nutshell, how the Commission arrived at this place and will provide the best information to the public that may attend the Public Hearing.

At request of the City Council, the Planning Commission (PC) is in the process of reviewing the zoning option suggested in the Homer Comprehensive Plan (HCP) for the near section of East End Road. The HCP references a zone for consideration called "Neighborhood Commercial East End Road," describing limited numbers of small scale local serving commercial areas, designed to meet the convenience commercial service needs of the neighborhood residents...." The area for consideration is roughly from Mattox to just past Paul Banks.

This has been discussed at several meetings so far. First, an area was mapped out for consideration with the assistance of Councilmember Van Dyke. Further described in the HCP is a Residential Office District (RO) with an allowance for more commercial and retail uses than presently found in RO. With a map (usually left on the wall of the Council Chambers) and the base code of the RO district, the PC reviewed a list of every other permitted and conditional use presently allowed in the city for inclusion in the district.

After due consideration of absolutely everything that was an option for inclusion in the district, the result was that it varied little from what is presently allowed in RO.

of business activity in the downtown core while discouraging strip development. It was not thought to be a good idea to pull business away from the downtown core which has many infill opportunities. The location is not at such a distance from the established commercial district to really introduce much additional convenience. Additionally, the PC did not want to support activities that would introduce a significant amount of traffic along East End Road which is currently designed without turning lanes and tends to be a bit congested at the start and end of the work day. At this point, the thought was that it really was not useful to make yet another type of zone.

A motion was made and supported at the last meeting to advertise and hold a public hearing for consideration of expansion of the RO district. The Public Hearing will be held at the August 6th meeting of the HPC.

Staff Recommendation: Hold public hearing and consider if the following may be necessary:

- Amendments of map or text
- More work at another meeting
- Another public hearing

This item will need to come before the Commission once more to review all criteria set forth in code for approval of a zoning map amendment. If any significant changes are made, another public hearing is in order.

Attachments:

1. Residential Office District regulations.
2. Ordinance 14-
3. Exhibit A
4. Exhibit B

Chapter 21.16RO RESIDENTIAL OFFICE DISTRICTSections:

- 21.16.010 Purpose.
- 21.16.020 Permitted uses and structures.
- 21.16.030 Conditional uses and structures.
- 21.16.040 Dimensional requirements.
- 21.16.050 Site and access.
- 21.16.060 Traffic requirements.
- 21.16.070 Site development standards.
- 21.16.080 Nuisance standards.
- 21.16.090 Lighting standards.

21.16.010 Purpose. The residential office district is primarily intended for a mixture of low-density to medium-density residential uses and certain specified businesses and offices, which may include professional services, administrative services and personal services, but generally not including direct retail or wholesale transactions except for sales that are incidental to the provision of authorized services. A primary purpose of the district is to preserve and enhance the residential quality of the area while allowing certain services that typically have low traffic generation, similar scale and similar density. The district provides a transition zone between commercial and residential neighborhoods. (Ord. 08-29, 2008).

21.16.020 Permitted uses and structures. The following uses are permitted outright in the residential office district:

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple family dwelling, provided the structure conforms to HCC § 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast and hostel;
- e. Home occupations; provided they conform to the requirements of HCC § 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

l. Private exterior storage of the occupant's personal noncommercial equipment, including non commercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;

m. Other customary accessory uses to any of the permitted uses listed in the residential office district; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building.

n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a manner consistent with the requirements of the Homer City Code and as long as such animals are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants of neighboring property;

o. Day care homes; provided, however, that outdoor play areas must be fenced.

p. Recreational vehicles, subject to the standards set out in HCC § 21.54.320.

q. As an accessory use, one small wind energy system per lot having a rated capacity not exceeding 10 kilowatts.

r. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal single family dwelling on a lot. (Ord. 11-44(S) §2 (part), 2011; Ord. 11-23(A) §3 (part), 2011; Ord. 09-34(A) §8 (part), 2009; Ord. 08-29, 2008).

21.16.030 Conditional uses and structures. The following uses may be permitted in the residential office district when authorized by conditional use permit issued in accordance with HCC Chapter 21.71:

- a. Planned unit developments, excluding all industrial uses;
- b. Townhouses;
- c. Public or private schools;
- d. Hospitals and medical clinics;
- e. Public utility facilities and structures;
- f. Mortuaries;
- g. Day care facilities; provided, however, that outdoor play areas must be fenced.

h. More than one building containing a permitted principal use on a lot.

- i. Group care homes.
- j. One small wind energy system having a rated capacity exceeding 10 kilowatts, provided that it is the only wind energy system of any capacity on the lot.

k. Other uses approved pursuant to HCC §21.04.020.(Ord. 10-06 §1, (part), 2010; Ord. 09-34(A) §9 (part), 2009; Ord. 08-29, 2008).

21.16.040 Dimensional requirements. The following dimensional requirements shall apply to all structures and uses in the residential office district:

- a. The minimum lot size is 7,500 square feet.
- b. Building setbacks;
 - 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

2. Residential buildings shall be set back from all other lot boundary lines according to the number of stories as follows:

<u>Number of Stories</u>	<u>Setback (in feet)</u>
1 story	5 feet
1 ½ half stories	6 feet
2 stories	7 feet
2 ½ half stories	8 feet

3. Non-residential buildings shall be set back 15 feet from all other lot boundary lines, except that this setback may be reduced to not less than the setback that would apply under HCC §21.16.040(b)(2) if the reduction is approved by the State Fire Marshal.

c. The maximum building height shall be 35 feet.

d. Detached accessory buildings may not occupy more than 25 percent of a required rear or side yard and no portion of a required front yard, and shall be located at least five feet from the nearest part of a main building and five feet from all property lines.

e. No lot shall contain more than 8,000 square feet of building area (all buildings combined), nor shall any lot contain building area in excess of 30 percent of the lot area, without an approved conditional use permit. (Ord. 10-06 §2 (part), 2010; Ord. 08-29, 2008).

21.16.050 Site and access. a. A zoning permit for any non-residential use or structure shall not be issued by the City without an approved site plan and an approved level two right-of-way access plan that conform to the standards of HCC Chapter 21.73.

b. All access points to rights-of-way shall conform to the standards of a level two right-of-way access plan stated in HCC Chapter 21.73. This applies to all uses and structures. (Ord. 08-29, 2008).

21.16.060 Traffic requirements. A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition),

b. Is estimated to generate more than 500 vehicle trips per day based on the proposed land use and density, or calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers (current edition);

c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use;

d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection. (Ord. 10-06 §4, 2010).

21.16.070 Site development standards. a. All single family and duplex residential development in the residential office district shall comply with the level one site development standards contained in HCC § 21.50.020.

b. All multifamily residential and all commercial development on lands in this district shall conform to the level two site development standards set forth in HCC §21.50.030.(Ord. 10-06 §3 (part, 2010; Ord. 08-29, 2008).

21.16.080 Nuisance standards. The nuisance standards of HCC § 21.59.010 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §5, 2010).

21.16.090 Lighting standards. The level one lighting standards of HCC § 21.59.030 apply to all development, uses, and structures in this zoning district. (Ord. 10-06 §6, 2010).

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Planning

ORDINANCE 14-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RURAL RESIDENTIAL (RR) DISTRICT TO RESIDENTIAL OFFICE (RO).

WHEREAS, The Homer Advisory Planning Commission reviewed a request from the Homer City Council to review the Homer Comprehensive Plan in regards to recommendations found for Neighborhood Commercial East End rezone, and

WHEREAS, The Homer Advisory Planning Commission, after extensive review, recommends rezoning property from the Rural Residential District to the Residential Office Zoning District; and

WHEREAS, The Homer Advisory Planning Commission held a public hearing on the matter on August 6, 2014, as required by Homer City Code, Section 21.70.020; and

WHEREAS, The Homer Advisory Planning Commission finds the area of map amendment represents of an extension of an existing boundary contiguous to an existing zoning district; and

WHEREAS, The Homer Advisory Planning Commission determined the map amendment is consistent with the Comprehensive Plan; and

WHEREAS, The Homer Advisory Planning Commission determined the rezone applies a district that is better suited to the proposed area for the zoning map amendment; and

WHEREAS, The Homer Advisory Planning Commission has found that the zoning map amendment is in the best interest of the public; and

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map will be amended as per attached Exhibit A, to extend Residential Office zoning to include all parcels listed on Exhibit B.

Section 2. The City Planner is authorized to sign the map and adhere to the requirements set forth in the Homer City Code, Section 21.10.030(b).

Section 3. This is a non Code Ordinance of a permanent Nature.

CITY OF HOMER

Mary E. (Beth) Wythe, MAYOR

ATTEST

Jo Johnson, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

REVIEWED AND APPROVED AS TO FORM AND CONTENT:

Walt Wrede, City Manager

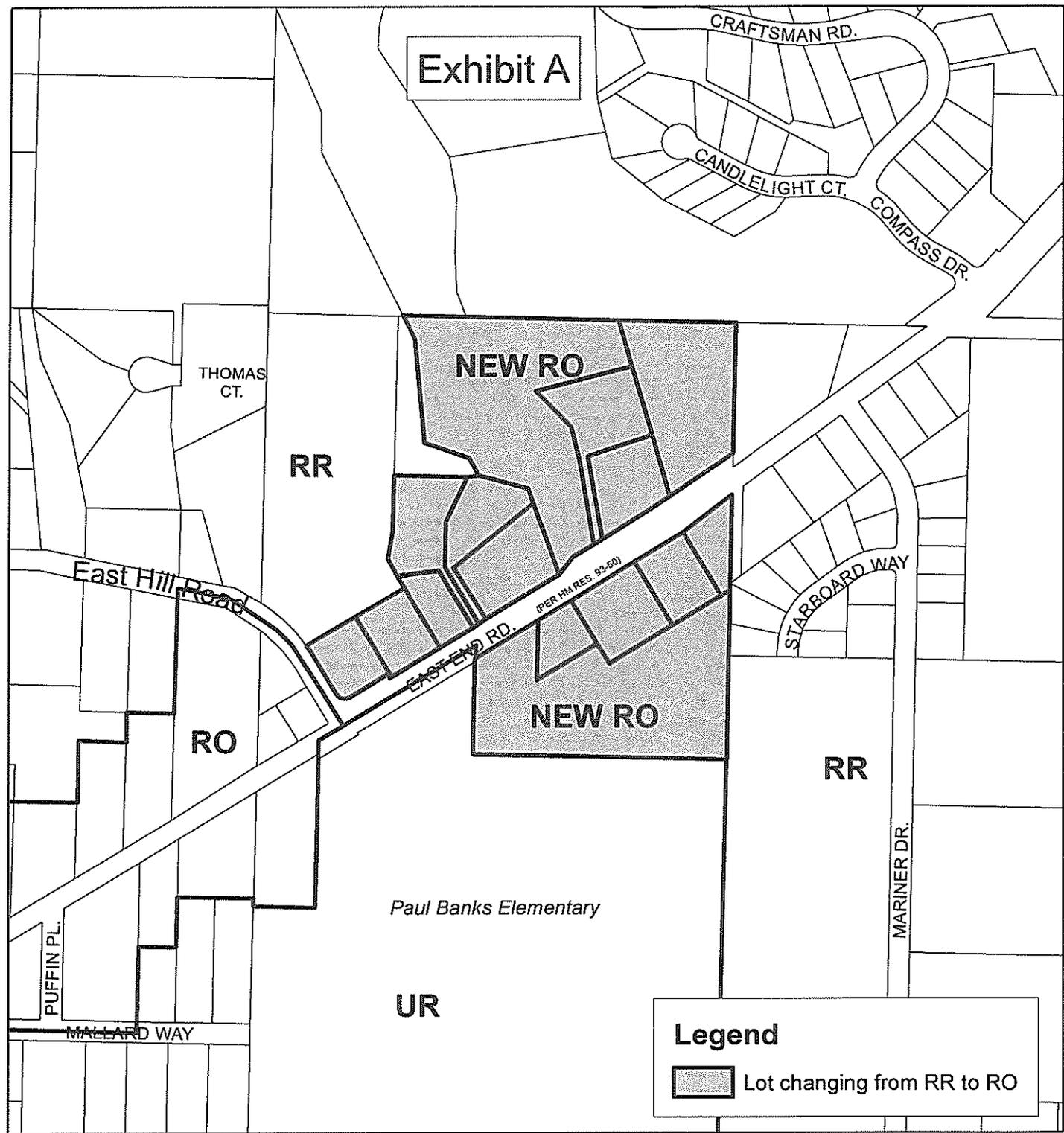
Date: _____

Tom Klinkner, City Attorney

Date: _____

Fiscal Note: Costs of mapping.

Exhibit A



Legend

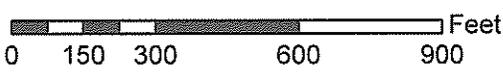
 Lot changing from RR to RO



City of Homer
Planning and Zoning Department

7/22/2014

Properties to be rezoned from Rural Residential to Residential Office



Disclaimer:
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Tax ID	LEGAL DESCRIPTION
17903021	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 SW1/4 BEGIN @S1/4 CORNER COMMON TO SEC 16&21; TH N 0 DEG 13'20" W 1448.35 FT TO POB; TH W 714.79 FT; TH N 0 DEG 13'20"W 269.14 FT TO CENTER OF HOMER EAST RD; TH N57 DEG 17'30"E 208 FT ALONG CENTER OF RD;
17903033	T 6S R 13W SEC 16 SEWARD MERIDIAN HM THAT PORTION OF THE NE1/4 SW1/4 COMMENCING AT THE CENTER 1/4 CORNER OF SEC 16 TH PROCEEDING S 0 DEG 14 MIN E ALONG CENTERLINE 485.4 FT TO THE INTERSECTION WITH THE SOUTH ROW LINE OF HOMER EAST RD TO THE POB TH S 0 DE
17903034	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT INTERSECTION OF CENTERLINE OF SEC 16 WITH THE SOUTH ROW LINE OF HOMER EAST RD PROCEED S 00 DEG 14 MIN E 265.8 FT TH S 57 DEG 17 MIN 30 SEC W 23.7 FT TO THE POB TH N 32 DEG 42 MIN 30 SEC W TO HOMER EAST R
17903080	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 3-A
17903083	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 2
17903016	T 6S R 13W SEC 16 SEWARD MERIDIAN HM PTN E1/2 NE1/4 SW1/4 COMMENCE @SECT CORNER SECS 16 17 20 & 21 TH N1 DEG 11'40"W 568.5 FT TO SOUTH ROW LINE OF HOMER EAST RD; TH N70 DEG 14'E 354 FT; TH N57 DEG 17'30"E 2203.18 FT; TH S32 DEG 42'30"E 30 FT TO POB;
17903063	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 2
17903076	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-A
17903079	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 2
17903027	T 6S R 13W SEC 16 SEWARD MERIDIAN HM BEGINNING AT THE 1/4 CORNER COMMON TO SEC 16 & 21 TH PROCEED N 0 DEG 13 MIN 20 SEC W 1448.35 FT TH WEST 714.79 FT TH N 0 DEG 13 MIN 20 SEC W 233.49 FT TH N 57 DEG 17 MIN 30 SEC E 208 FT TO THE POB TH CONTINUE N 57 DE
17903066	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 5
17903082	T 6S R 13W SEC 16 SEWARD SW HM 2006077 MUTCH-GANGL 2006 ADDN LOT 1
17903065	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 0940021 MUTCH GANGL TRACTS NEPTUNE ADDN LOT 4
17903077	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005037 MUTCH-GANGL 2005 ADDN LOT B-3-B
17903078	T 6S R 13W SEC 16 SEWARD MERIDIAN HM 2005096 WATSON RIDGE LOT 1

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, August 6, 2014 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

A Public Hearing, as required by HCC 21.95.060, regarding a proposed amendment to the official Homer City Zoning Map to expand the Residential Office District eastward along East End Road.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

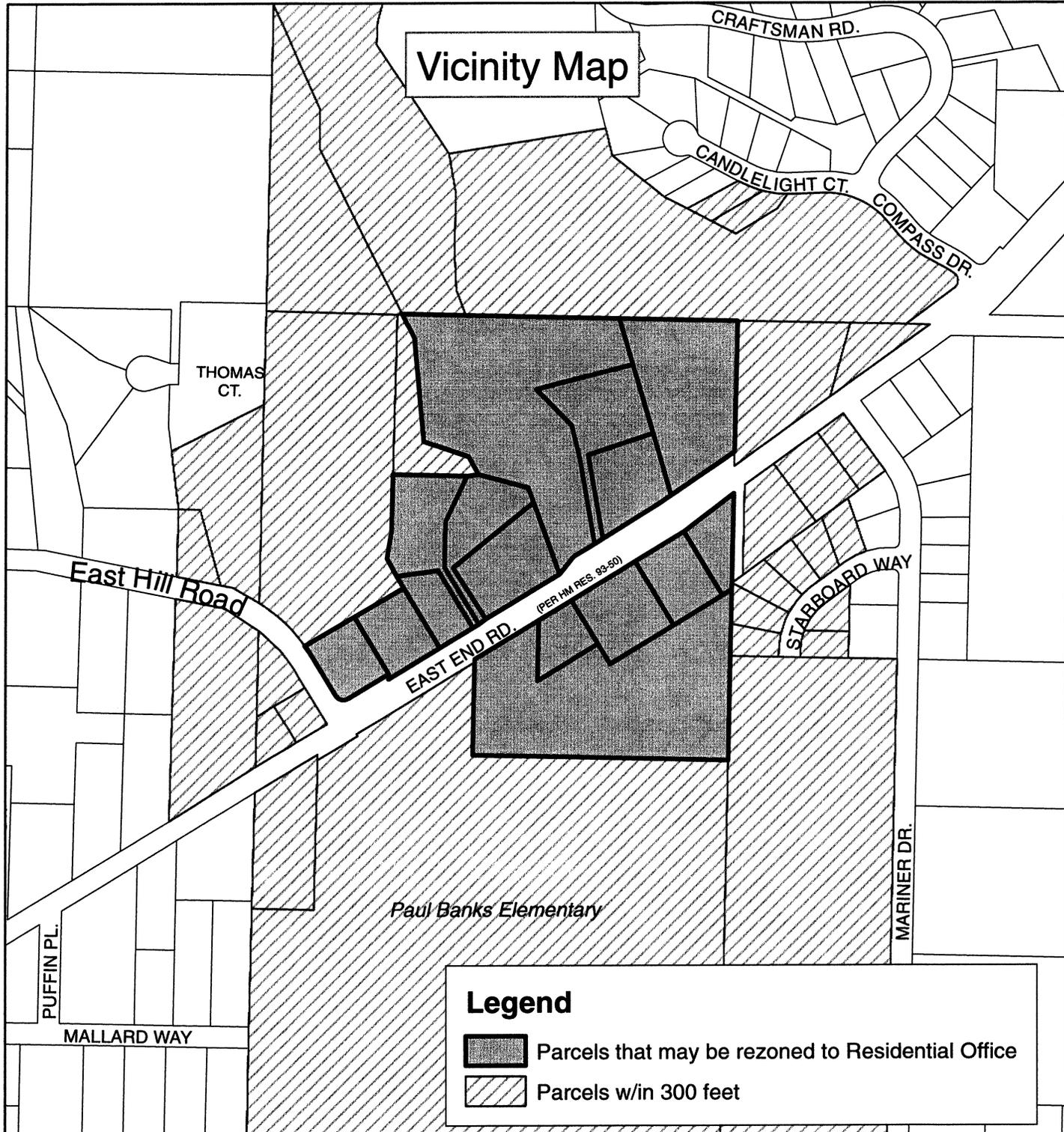
The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown at the Planning and Zoning Office, 235-3106.

NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE

Vicinity Map



Legend

-  Parcels that may be rezoned to Residential Office
-  Parcels w/in 300 feet

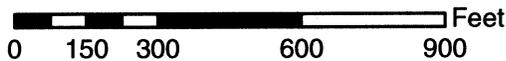


City of Homer
Planning and Zoning Department

7/22/2014

Proposed rezone from Rural Residential to Residential Office

Marked lots are within 300 feet and property owners notified.



Disclaimer:
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Presentations

Reports

- A. Staff Report PL 14-69, City Planner's Report

City Planner Abboud reviewed his report.

Public Hearings

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 14-70, Proposal to expand the Residential Office Zoning District eastward along East End Road.

City Planner Abboud reviewed the staff report.

Chair Venuti opened the public hearing. There were no comments and the hearing was closed.

Commissioner Highland asked if property owners in the area had been notified. City Planner Abboud confirmed that notices were sent to lot owners in the proposed district, also those within 300 feet, and noticed in the paper.

STEAD/HIGHLAND MOVED TO ACCEPT THE STAFF REPORT WITH STAFF RECOMMENDATIONS FOR AMENDMENTS TO THE MAP AND TEXT AND TO HOLD ANOTHER PUBLIC HEARING.

Commissioner Stead commented that he doesn't think they have much work to do at another meeting, and they can close up this issue.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

- A. Staff Report Pl 14-71, Lakeside Village Subdivision 2014 Replat Preliminary Plat

Commissioner Erickson stated she has a conflict of interest.

HIGHLAND/STROOZAS MOVED THAT COMMISSIONER ERICKSON HAS A CONFLICT OF INTEREST.





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

MEMORANDUM 14-117

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH WALT WREDE, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: JULY 23, 2014
SUBJECT: UPDATE ON REVIEW OF COMPREHENSIVE PLAN RECOMMENDATION ON
EAST END ROAD ZONING

At request of the City Council, the Planning Commission (PC) is in the process of reviewing the zoning option suggested in the Homer Comprehensive Plan (HCP) for the near section of East End Road. The HCP references a zone for consideration called "Neighborhood Commercial East End Road," describing limited numbers of small scale local serving commercial areas, designed to meet the convenience commercial service needs of the neighborhood residents...." The area for consideration is roughly from Mattox to just past Paul Banks.

This has been discussed at several meetings so far. First, an area was mapped out for consideration with the assistance of Councilmember Van Dyke. Further described in the HCP is a Residential Office District (RO) with an allowance for more commercial and retail uses than presently found in RO. With a map (usually left on the wall of the Council Chambers) and the base code of the RO district, the PC reviewed a list of every other permitted and conditional use presently allowed in the city for inclusion in the district.

After due consideration of absolutely everything that was an option for inclusion in the district, the result was that it varied little from what is presently allowed in RO. Some of the guiding thought was that the HCP supports infill development and a concentration of business activity in the downtown core while discouraging strip development. It was not thought to be a good idea to pull business away from the downtown core which has many infill opportunities. The location is not at such a distance from the established commercial district to really introduce much additional convenience. Additionally, the PC did not want to support activities that would introduce a significant amount of traffic along East End Road which is currently designed without turning lanes and tends to be a bit congested at the start and end of the work day. At this point, the thought was that it really was not useful to make yet another type of zone.

A motion was made and supported at the last meeting to advertise and hold a public hearing for consideration of expansion of the RO district. The Public Hearing will be held at the August 6th meeting of the HPC.



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report 14-67

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: July 16, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

Review: Several concepts were forwarded at the last Planning Commission meeting. Staff is attempting to incorporate the ideas expressed. This staff report will outline changes and these will need motion(s) to approve or modify to complete our record. Hopefully, with direction from the Planning Commission, we will be ready to plan for some public hearings on a draft ordinance.

Follow up/Discussion:

Daycare facilities are currently listed as both permitted and conditional use. I recommend adding them as a permitted use in consideration that this is a quasi-commercial type of district and the amount of activity associated is easily accommodated in such a district.

Open air business was also discussed. I find that the activity is most likely (council has not voted on the recommendation for GC2 as of yet) accepted in our commercial 2 and 1 districts, as well as in the East End Mixed Use District. These are our most intense commercial districts followed by CBD, Town Center and Gateway business, where open air businesses are not allowed. To allow open air business in this proposed district upsets the hierarchy. For instance, the most likely district to succeed this one would be CBD. If this happened, it would create a nonconformity. I believe that farmers market is acceptable as it is found in both town center and CBD, but recommend against permitting open air business.

Screening and landscape was also discussed. I have added the language used in the East End Mixed Use District as a starter for discussion. I would expect that this would be the minimum standard, with perhaps some conversation of additional requirements (found on the ordinance lines 102-114).

Conclusion: After this amount of work and nearing a final draft, I am finding that this concept district is just not that different than our current RO district. Several of the use additions are actually just duplicates of permitted RO uses on which the draft ordinance was based. At this point, one has to ask if creating another district is appropriate. We could just amend the current RO code with a few uses and add design standards to commercial uses and expand the district along East End Road. I believe we have had the conversation that has discussed just what amount of business intensity was appropriate for the proposed district. Going to more intense commercial and industrial activity violates the comprehensive plan's goal of not encouraging strip development and encouraging concentration of commercial activities in the downtown core.

Staff Recommendation: Review and make recommendations with motions.

Attachments:

1. Ordinance 14-xx EERCUMUD

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**CITY OF HOMER
HOMER, ALASKA**

ORDINANCE 14-xx July 16, 2014 Draft

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING HOMER CITY CODE xx.xx.xxx, CREATING THE EAST
END RESIDENTIAL C COMMERCIAL MIXED USE DISTRICT.

THE CITY OF HOMER ORDAINS:

Section 1. HCC xx.xx. East end residential commercial mixed use district:

xx.xx.010 Purpose. Allow a number of small scale commercial developments to be mixed with residential uses. Opportunities for commercial and retail uses are to be more extensive than the Rural Office District.

Section 2. HCC xx.xx.020, Permitted uses and structures.

The following uses are permitted outright in the Residential Office District:

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast and hostel;
- e. Home occupations; provided they conform to the requirements of HCC 21.51.010;
- f. Professional offices and general business offices;
- g. Personal services;
- h. Museums, libraries and similar institutions;
- i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- j. Religious, cultural and fraternal assembly;
- k. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;
- l. Private exterior storage of the occupant's personal noncommercial equipment, including noncommercial trucks, boats, campers and not more than one recreational vehicle in a safe and orderly manner and separated by at least five feet from any property line as an accessory use incidental to a permitted or conditionally permitted principal use;
- m. Other customary accessory uses to any of the permitted uses listed in the Residential Office District; provided, that no separate permit shall be issued for the construction of any detached accessory building prior to that of the main building;
- n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory

[Bold and underlined added. Deleted language stricken through.]

- 44 use in a manner consistent with the requirements of the Homer City Code and as long
45 as such animals are kept as pets and their numbers are such as not to unreasonably
46 annoy or disturb occupants of neighboring property;
- 47 o. Day care homes; provided, however, that outdoor play areas must be fenced;
 - 48 p. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
 - 49 q. As an accessory use, one small wind energy system per lot having a rated capacity
50 not exceeding 10 kilowatts;
 - 51 r. One detached dwelling unit, excluding mobile homes, as an accessory building to a
52 principal single-family dwelling on a lot;
 - 53 s. Apartment units located in a building primarily devoted to business or commercial
54 uses;
 - 55 t. Day care homes and facilities: provided, however, that outdoor play areas must be
56 fenced;
 - 57 u. Mortuaries;
 - 58 v. Publishing, printing and bookbinding;
 - 59 w. Studios;
 - 60 x. Cemeteries.

61

62 Section 3. HCC xx.xx.xxx, Conditional uses and structures.

63

64 xx.xx.030 Conditional uses and structures. The following uses may be permitted in the
65 East End Residential Commercial Mixed Use District when authorized by conditional use
66 permit issued in accordance with Chapter 21.71 HCC:

- 67 a. Planned unit developments, excluding all industrial uses;
- 68 b. Townhouses;
- 69 c. Public or private schools;
- 70 d. Hospitals and medical clinics;
- 71 e. Public utility facilities and structures;
- 72 f. Day care facilities; provided, however, that outdoor play areas must be fenced;
- 73 g. More than one building containing a permitted principal use on a lot;
- 74 h. Group care homes;
- 75 i. One small wind energy system having a rated capacity exceeding 10 kilowatts;
76 provided, that it is the only wind energy system of any capacity on the lot;
- 77 j. Other uses approved pursuant to HCC 21.04.020

78

79

80 Section 4. HCC xx.xx.040, Dimensional requirements. The following dimensional
81 requirements shall apply to all structures and uses in the East End Residential Commercial
82 Mixed Use District.

83

[Bold and underlined added. Deleted language stricken through.]

- 84 a. The minimum lot size is 7,500 square feet.
85 b. Building Setbacks.
86 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.
87 2. Residential buildings shall be set back from all other lot boundary lines according to
88 the number of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet
2 stories	7 feet
2 1/2 stories	8 feet

- 89
90 3. Nonresidential buildings shall be set back 15 feet from all other lot boundary lines,
91 except that this setback may be reduced to not less than the setback that would apply
92 under subsection (b)(2) of this section if the reduction is approved by the State Fire
93 Marshal.
94 c. The maximum building height shall be 35 feet.
95 d. Detached accessory buildings may not occupy more than 25 percent of a required
96 rear or side yard and no portion of a required front yard, and shall be located at least
97 five feet from the nearest part of a main building and five feet from all property lines.
98 e. No lot shall contain more than 8,000 square feet of building area (all buildings
99 combined), nor shall any lot contain building area in excess of 30 percent of the lot area,
100 without an approved conditional use permit.

101 **f. Screening.**

102
103 **1. When one or more side or rear lot lines abut land within an RO, RR, or UR**
104 **district or when a side or rear yard area is to be used for parking, loading,**
105 **unloading or servicing, then those side and rear yard areas shall be**
106 **effectively screened by a wall, fence, or other sight-obscuring screening.**
107 **Such screening shall be of a height adequate to screen activity on the lot**
108 **from outside view by a person of average height standing at street level.**

109
110 **2. Outside storage of materials, equipment and trash/dumpsters adjacent to**
111 **rights-of-way shall be screened. Screening may consist of walls, fences,**
112 **landscaped berms, evergreen plantings, or any combination thereof**

113
114 **Section 5. HCC xx.xx.050, Site and access.**

- 115
116 a. A zoning permit for any nonresidential use or structure shall not be issued by the City
117 without an approved site plan and an approved level two right-of-way access plan that

[Bold and underlined added. Deleted language stricken through.]

118 conform to the standards of Chapter 21.73 HCC.
119 b. All access points to rights-of-way shall conform to the standards of a level two right-
120 of-way access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

121
122 Section 6. HCC xx.xx.060, Traffic requirements.

123
124 A conditional use permit is required for every use that:

- 125 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
126 calculated utilizing the Trip Generation Handbook, Institute of Transportation
127 Engineers, 9th Edition;
128 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the
129 Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
130 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
131 during any hour of the day due to a change in land use or intensity of use; or
132 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
133 level of service, the highway, road, street, alley or intersection.

134
135
136 Section 8. HCC xx.xx.070, Site development standards.

- 137
138 a. All single-family and duplex residential development in the East End Residential
139 Commercial Mixed Use District shall comply with the level one site development
140 standards contained in HCC 21.50.020.
141 b. All multifamily residential and all commercial development on lands in this district
142 shall conform to the level two site development standards set forth in HCC 21.50.030.

143
144 Section 9. HCC xx.xx.080, Nuisance standards.

145
146 The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures
147 in this zoning district.

148
149 Section 10. HCC xx.xx.090 Lighting Standards.

150
151 The level one lighting standards of HCC 21.59.030 apply to all development, uses, and
152 structures in this zoning district.

153
154 Section 11. This Ordinance is of a permanent and general character and shall be
155 included in the City Code.

156

[Bold and underlined added. Deleted language stricken through.]

157 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
158 _____ 2014.

159
160

CITY OF HOMER

161
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MARY E. WYTHE, MAYOR

165
166

ATTEST:

167
168

169
170

JO JOHNSON, CMC, CITY CLERK

171
172

YES:

173
174

NO:

ABSTAIN:

175
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ABSENT:

177
178

First Reading:

Public Hearing:

179
180

Second Reading:

Effective Date:

181
182

Reviewed and approved as to form:

183
184

185
186

Walt E. Wrede, City Manager

Thomas F. Klinkner, City Attorney

187

Date: _____

Date: _____

City Planner Abboud reviewed the staff report.

There was discussion about the cost of speed bumps and challenges of speed bumps on gravel roads; they also touched on raised intersections. They addressed improvements that the Old Town group has been working on, and challenges at Hornaday Park.

Question was raised whether the Mattox neighborhood had taken any steps toward road improvements in their area. City Planner Abboud said they haven't.

HIGHLAND/BOS MOVED THAT ON STAFF REPORT 14-65 THE COMMISSION SUPPORTS ALL THE CONCEPTS PRESENTED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. Staff Report PL 14-67, Creation of the East End Residential/Commercial Mixed Use District

The Commission discussed the district during their worksession before the meeting.

City Planner Abboud reviewed the staff report and the proposed East End Residential/Commercial Mixed Use District uses. They discussed that there are a lot of similarities between this district and Residential Office and raised the question of whether it would be better to make modifications to RO rather than creating a new district.

STEAD/HIGHLAND MOVED THAT WE ABANDON THE EAST END RESIDENTIAL/COMMERCIAL MIXED USE DISTRICT ORDINANCE AND EXPAND THE RESIDENTIAL OFFICE DISTRICT TO INCLUDE THESE PROPERTIES OF INTEREST AND SEE IT AT THE NEXT MEETING.

There was discussion that they can amend residential office at a later date if they choose to.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

New Business

A. Staff Report PL 14-68, CIP List Recommendations

The Commission addressed the CIP list at the worksession. City Planner Abboud asked them to be prepared at the next meeting to make their recommendations.

Informational Materials





City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 14-59

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: June 18, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

Review: Last meeting we reviewed the list of permitted and conditional uses for consideration in the district. The Commission agreed with the concept of allowing some of the uses that would be found in the Central Business District to the new district. The concept furthered was that the district would accommodate commercial activities that have a relative low impact and not generate a great deal of traffic. This eliminates the “heavier” activities found exclusively in the general commercial and industrial districts as well as other activities that generate more traffic such as larger retail or wholesale.

Discussion: The Comprehensive plan describes this area as one that would support more commercial activities than the Residential Office district. As it is not considered as an expansion of the CBD, we need to be careful not to introduce too much competition, as it is desirable to have a compact business district and not encourage strip development. Keep this in mind when reviewing the new list of uses. The old list ended with “r” for permitted uses. Mortuaries have moved into permitted uses from conditional. Daycare is still a conditional use. Check the new list and review it against the uses found in the CBD, as this is the next district in relationship to an upzoned commercial district.

Next for consideration is development and dimensional requirements with some thought about design and landscaping. I believe that the RO designations for dimensional requirement are appropriate. I am looking for some guidance on design and landscape. I do not believe that we would want corrugated or simple block structures to line the road leading to the CBD, but not sure if it needs to go the level of the Gateway District, although I have no problem with that, as it is a “Gateway”, just from East End. I also think that more attention should be given to landscape than is found in the East End Mixed Use district. I do not need all the specifics, just a consensus on just how far we should go. Then I can refine the district for review at the next meeting. This would be a good time to review the Design Manual and see what concepts may be ripe for this area.

Staff Recommendation: Review and make recommendations regarding the permitted and conditional uses. Give consideration and recommendation for the amount of design and landscape that might be appropriate for the district.

Attachments:

1. Ordinance 14-xx EERCMDUD

1 CITY OF HOMER
2 HOMER, ALASKA

3
4 ORDINANCE 14-__

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE xx.xx.xxx, CREATING THE EAST
8 END RESIDENTIAL C COMMERCIAL MIXED USE DISTRICT.

9
10 THE CITY OF HOMER ORDAINS:

11
12 Section 1. HCC xx.xx. East end residential commercial mixed use district:

13
14 xx.xx.010 Purpose. Allow a number of small scale commercial developments to be
15 mixed with residential uses. Opportunities for commercial and retail uses are to be more
16 extensive than the Rural Office District.

17
18 Section 2. HCC xx.xx.020, Permitted uses and structures.

19
20 The following uses are permitted outright in the Residential Office District:

- 21 a. Single-family and duplex dwelling, excluding mobile homes;
22 b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2)
23 and excluding mobile homes;
24 c. Public parks and playgrounds;
25 d. Rooming house, bed and breakfast and hostel;
26 e. Home occupations; provided they conform to the requirements of HCC 21.51.010;
27 f. Professional offices and general business offices;
28 g. Personal services;
29 h. Museums, libraries and similar institutions;
30 i. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
31 j. Religious, cultural and fraternal assembly;
32 k. Storage of the occupant's personal commercial fishing gear in a safe and orderly
33 manner and separated by at least five feet from any property line as an accessory use
34 incidental to a permitted or conditionally permitted principal use;
35 l. Private exterior storage of the occupant's personal noncommercial equipment,
36 including noncommercial trucks, boats, campers and not more than one recreational
37 vehicle in a safe and orderly manner and separated by at least five feet from any
38 property line as an accessory use incidental to a permitted or conditionally permitted
39 principal use;
40 m. Other customary accessory uses to any of the permitted uses listed in the
41 Residential Office District; provided, that no separate permit shall be issued for the
42 construction of any detached accessory building prior to that of the main building;
43 n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory

[Bold and underlined added. Deleted language stricken through.]

- 44 use in a manner consistent with the requirements of the Homer City Code and as long
45 as such animals are kept as pets and their numbers are such as not to unreasonably
46 annoy or disturb occupants of neighboring property;
47 o. Day care homes; provided, however, that outdoor play areas must be fenced;
48 p. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
49 q. As an accessory use, one small wind energy system per lot having a rated capacity
50 not exceeding 10 kilowatts;
51 r. One detached dwelling unit, excluding mobile homes, as an accessory building to a
52 principal single-family dwelling on a lot;
53 s. Apartment units located in a building primarily devoted to business or commercial
54 uses;
55 t. Day care homes and facilities: provided, however, that outdoor play areas must be
56 fenced;
57 u. General business offices and professional offices;
58 v. Mortuaries;
59 w. Offices;
60 x. Personal services;
61 y. Publishing, printing and bookbinding;
62 z. Studios;
63 aa. Cemeteries.

64
65 Section 3. HCC xx.xx.xxx, Conditional uses and structures.

66
67 xx.xx.030 Conditional uses and structures. The following uses may be permitted in the
68 East End Residential Commercial Mixed Use District when authorized by conditional use
69 permit issued in accordance with Chapter 21.71 HCC:

- 70 a. Planned unit developments, excluding all industrial uses;
71 b. Townhouses;
72 c. Public or private schools;
73 d. Hospitals and medical clinics;
74 e. Public utility facilities and structures;
75 f. Day care facilities; provided, however, that outdoor play areas must be fenced;
76 g. More than one building containing a permitted principal use on a lot;
77 h. Group care homes;
78 i. One small wind energy system having a rated capacity exceeding 10 kilowatts;
79 provided, that it is the only wind energy system of any capacity on the lot;
80 j. Other uses approved pursuant to HCC 21.04.020

81
82
83 Section 4. HCC xx.xx.040, Dimensional requirements. The following dimensional

[Bold and underlined added. Deleted language stricken through.]

84 requirements shall apply to all structures and uses in the East End Residential Commercial
85 Mixed Use District.

86

87 a. The minimum lot size is 7,500 square feet.

88 b. Building Setbacks.

89 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

90 2. Residential buildings shall be set back from all other lot boundary lines according to
91 the number of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet
2 stories	7 feet
2 1/2 stories	8 feet

92

93 3. Nonresidential buildings shall be set back 15 feet from all other lot boundary lines,
94 except that this setback may be reduced to not less than the setback that would apply
95 under subsection (b)(2) of this section if the reduction is approved by the State Fire
96 Marshal.

97 c. The maximum building height shall be 35 feet.

98 d. Detached accessory buildings may not occupy more than 25 percent of a required
99 rear or side yard and no portion of a required front yard, and shall be located at least
100 five feet from the nearest part of a main building and five feet from all property lines.

101 e. No lot shall contain more than 8,000 square feet of building area (all buildings
102 combined), nor shall any lot contain building area in excess of 30 percent of the lot area,
103 without an approved conditional use permit.

104

105 Section 5. HCC xx.xx.050, Site and access.

106

107 a. A zoning permit for any nonresidential use or structure shall not be issued by the City
108 without an approved site plan and an approved level two right-of-way access plan that
109 conform to the standards of Chapter 21.73 HCC.

110 b. All access points to rights-of-way shall conform to the standards of a level two right-
111 of-way access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

112

113 Section 6. HCC xx.xx.060, Traffic requirements.

114

115 A conditional use permit is required for every use that:

116 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
117 calculated utilizing the Trip Generation Handbook, Institute of Transportation

[Bold and underlined added. Deleted language stricken through.]

- 118 Engineers, 9th Edition;
119 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the
120 Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;
121 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
122 during any hour of the day due to a change in land use or intensity of use; or
123 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
124 level of service, the highway, road, street, alley or intersection.

125
126

127 Section 8. HCC xx.xx.070, Site development standards.

128

- 129 a. All single-family and duplex residential development in the East End Residential
130 Commercial Mixed Use District shall comply with the level one site development
131 standards contained in HCC 21.50.020.
132 b. All multifamily residential and all commercial development on lands in this district
133 shall conform to the level two site development standards set forth in HCC 21.50.030.

134

135 Section 9. HCC xx.xx.080, Nuisance standards.

136

137 The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures
138 in this zoning district.

139

140 Section 10, HCC xx.xx.090 Lighting Standards.

141

142 The level one lighting standards of HCC 21.59.030 apply to all development, uses, and
143 structures in this zoning district.

144

145 Section 11. This Ordinance is of a permanent and general character and shall be
146 included in the City Code.

147

148 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
149 _____ 2014.

150

151

CITY OF HOMER

152

153

154

MARY E. WYTHE, MAYOR

155

156

[Bold and underlined added. Deleted language stricken through.]

157 ATTEST:

158

159

160 _____

161 JO JOHNSON, CMC, CITY CLERK

162

163 YES:

164 NO:

165 ABSTAIN:

166 ABSENT:

167

168 First Reading:

169 Public Hearing:

170 Second Reading:

171 Effective Date:

172

173 Reviewed and approved as to form:

174

175

176 _____

177 Walt E. Wrede, City Manager

178 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

Staff will provide further information on view-shed and what other communities regulate and can view-shed be regulated. She requested the commissioners to also consider co-location with towers - more towers but shorter or less towers but taller.

Chair Venuti requested a consultant or professional with towers come and speak to the commission.

B. Staff Report 14-58, Heliports

Deputy City Planner Engebretsen stated the City Planner has requested the commission consider allowing helipads in the Bridge Creek Watershed Protection District.

SLONE/STEAD - MOVED TO ALLOW HELIPADS IN THE BRIDGE CREEK WATERSHED PROTECTION DISTRICT BY CONDITIONAL USE PERMIT.

Commissioner Stroozas declared he may have a conflict since he lives and owns property in that district. Chair Venuti declared this was not a quasi-judicial issue. Staff provided further clarification Commissioner Stroozas belonging to a large class of property owners. Commissioner Slone queried the request since the commission already approved this issue two or three meetings ago to approve this use by CUP process. Staff explained that the request for was permitting the use outright.

Further discussion on the regulations being applied to property outside city limits and accommodating the City Planner's request ensued.

VOTE. YES. HIGHLAND, ERICKSON, BOS, VENUTI
VOTE. NO. SLONE, STEAD, STROOZAS

Motion carried.

C. Staff Report 14-59, Creation of the East End Residential /Commercial Mixed Use District

Chair Venuti read the title into the record.

Deputy City Planner Engebretsen reviewed the staff report. Staff commented regarding considerations to require additional landscaping, and more architectural standards similar to the Gateway Business District.

Discussion was conducted on the following:

- Aesthetics
 - minimal requirements with landscaping
 - screening
 - landscaping buffer along street
 - fencing/screening requirements to separate commercial from residential
- Playgrounds
- Open Air Markets
 - Permitted use
 - concern regarding increased traffic problems
- Changes under Conditional Uses
- Allowing Recreational Vehicles

Chair Venuti asked if it was agreed by consensus to add Open Air Markets.

A brief discussion on whether to put Open Air Markets as permitted or conditional use ensued.

Chair Venuti inquired if the commission had consensus.

No expression of consensus was given by the commission. Commissioners Erickson and Bos were in favor of allowing Open Air Markets as a conditional use. Commissioner Slone advocated for permitted outright.

Commissioners Stroozas, Stead and Highland offered no indication of consent or disagreed.

Commissioner Highland commented on line 116 regarding number of trips as a requirement for a conditional use permit and inquired about reducing the number shown. Discussion ensued regarding the type of business with that high of activity which lowering the number of trips would then trigger a \$10,000 traffic study sooner. The commission did not recommend any changes to this requirement.

Next issue addressed was applying the Community Design Manual to the district. Staff provided an example that business owners will do to avoid the application of the Community Design Manual to this district. Staff noted that a conditional use permit for a building over 8000 sf would cost \$8000 since the fees are on a sliding scale. After further discussion it was determined that they could come up with some pleasing design standards.

NEW BUSINESS

There was no new business on the agenda.

INFORMATIONAL MATERIALS

A. City Manager's Report from June 9, 2014 City Council Meeting

COMMENTS OF THE AUDIENCE

Members of the audience may address the Commission on any subject. (3 minute time limit)

There were no audience comments.

COMMENTS OF STAFF

Ms. Engebretsen had no comments.

Ms. Krause commented it was an interesting meeting and thanked the commissioners for their patience.

COMMENTS OF THE COMMISSION

Commissioner Highland asked about safe streets and if it was a boiler plate somewhere; Staff responded it would be at the next meeting.

Commissioner Bos commented that it was a good meeting. Thank you.



City of Homer

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Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report 14-52

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: June 4, 2014
SUBJECT: Creation of the East End Residential/Commercial Mixed Use District

Introduction The City Council endorsed forwarding Comprehensive Plan recommendations regarding a Commercial District on the near end of East End Road. In the Land Use Chapter of your Comprehensive Plans you will find the depiction (HCP 4-7) and proposed description (HCP 4-5) of such a district. The District is referred to as the East End RO Commercial MU, quite a mouthful. I would be open to a more succinct name. I now refer to it as East End Residential/Commercial Mixed Use. Perhaps East End Commercial or something to that effect without a geographical reference would be a better name.

NC Neighborhood Commercial East End Road – limited numbers of small scale, local serving commercial areas, designed to meet the convenience commercial service needs of neighborhood residents. The objectives behind this recommendations category might also be met through the Planned Unit Development process or an overlay zone allowing more commercial and retail uses than the underlying Residential Office District.

Review: I have crafted an ordinance that basically replicates the RO District. At the last meeting, I provided a matrix of all the uses as designated by districts. I asked that Commissioners review the uses for inclusion in this district. I assume that we could easily accommodate the uses of the current RO district and would consider additional commercial opportunities.

I have also included a map of the area to use as discussion for proposed inclusion in the district.

Remember this is a good time to review the concepts forwarded in the comprehensive as they relate to land use. The plan is a product of forwarding those values.

Staff Recommendation: Discuss and make consensus or motion to include additional uses or other amendments to the ordinance and bring back to PC for further work.

Attachments:

1. Ordinance 14-xx EERCMD
2. Area map

1 CITY OF HOMER
2 HOMER, ALASKA

3
4 ORDINANCE 14-__

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE xx.xx.xxx, CREATING THE EAST
8 END RESIDENTIAL C COMMERCIAL MIXED USE DISTRICT.

9
10 THE CITY OF HOMER ORDAINS:

11
12 Section 1. HCC xx.xx. East end residential commercial mixed use district:

13
14 xx.xx.010 Purpose. Allow a number of small scale commercial developments to be
15 mixed with residential uses. Opportunities for commercial and retail uses are to be more
16 extensive than the Rural Office District.

17
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19
20 The following uses are permitted outright in the Residential Office District:

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23 and excluding mobile homes;
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32 k. Storage of the occupant's personal commercial fishing gear in a safe and orderly
33 manner and separated by at least five feet from any property line as an accessory use
34 incidental to a permitted or conditionally permitted principal use;
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36 including noncommercial trucks, boats, campers and not more than one recreational
37 vehicle in a safe and orderly manner and separated by at least five feet from any
38 property line as an accessory use incidental to a permitted or conditionally permitted
39 principal use;
40 m. Other customary accessory uses to any of the permitted uses listed in the
41 Residential Office District; provided, that no separate permit shall be issued for the
42 construction of any detached accessory building prior to that of the main building;
43 n. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory

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46 annoy or disturb occupants of neighboring property;
47 o. Day care homes; provided, however, that outdoor play areas must be fenced;
48 p. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
49 q. As an accessory use, one small wind energy system per lot having a rated capacity
50 not exceeding 10 kilowatts;
51 r. One detached dwelling unit, excluding mobile homes, as an accessory building to a
52 principal single-family dwelling on a lot.

53
54 Section 3. HCC xx.xx.xxx, Conditional uses and structures.

55
56 xx.xx.030 Conditional uses and structures. The following uses may be permitted in the
57 East End Residential Commercial Mixed Use District when authorized by conditional use
58 permit issued in accordance with Chapter 21.71 HCC:

- 59 a. Planned unit developments, excluding all industrial uses;
60 b. Townhouses;
61 c. Public or private schools;
62 d. Hospitals and medical clinics;
63 e. Public utility facilities and structures;
64 f. Mortuaries;
65 g. Day care facilities; provided, however, that outdoor play areas must be fenced;
66 h. More than one building containing a permitted principal use on a lot;
67 i. Group care homes;
68 j. One small wind energy system having a rated capacity exceeding 10 kilowatts;
69 provided, that it is the only wind energy system of any capacity on the lot;
70 k. Other uses approved pursuant to HCC 21.04.020

71
72 Section 4. HCC xx.xx.040, Dimensional requirements. The following dimensional
73 requirements shall apply to all structures and uses in the East End Residential Commercial
74 Mixed Use District.

- 75
76 a. The minimum lot size is 7,500 square feet.
77 b. Building Setbacks.
78 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.
79 2. Residential buildings shall be set back from all other lot boundary lines according to
80 the number of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet

[Bold and underlined added. Deleted language stricken through.]

Number of Stories	Setback (in feet)
2 stories	7 feet
2 1/2 stories	8 feet

81
82 3. Nonresidential buildings shall be set back 15 feet from all other lot boundary lines,
83 except that this setback may be reduced to not less than the setback that would apply
84 under subsection (b)(2) of this section if the reduction is approved by the State Fire
85 Marshal.

86 c. The maximum building height shall be 35 feet.

87 d. Detached accessory buildings may not occupy more than 25 percent of a required
88 rear or side yard and no portion of a required front yard, and shall be located at least
89 five feet from the nearest part of a main building and five feet from all property lines.

90 e. No lot shall contain more than 8,000 square feet of building area (all buildings
91 combined), nor shall any lot contain building area in excess of 30 percent of the lot area,
92 without an approved conditional use permit.

93
94 Section 5. HCC xx.xx.050, Site and access.

95
96 a. A zoning permit for any nonresidential use or structure shall not be issued by the City
97 without an approved site plan and an approved level two right-of-way access plan that
98 conform to the standards of Chapter 21.73 HCC.

99 b. All access points to rights-of-way shall conform to the standards of a level two right-
100 of-way access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

101
102 Section 6. HCC xx.xx.060, Traffic requirements.

103
104 A conditional use permit is required for every use that:

105 a. Is estimated to generate more than 100 vehicle trips during any hour of the day
106 calculated utilizing the Trip Generation Handbook, Institute of Transportation
107 Engineers, 9th Edition;

108 b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the
109 Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

110 c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips
111 during any hour of the day due to a change in land use or intensity of use; or

112 d. Is expected to generate traffic that will detract from the safety of, or degrade by one
113 level of service, the highway, road, street, alley or intersection.

114
115
116 Section 8. HCC xx.xx.070, Site development standards.

117
[Bold and underlined added. Deleted language stricken through.]

118 a. All single-family and duplex residential development in the East End Residential
119 Commercial Mixed Use District shall comply with the level one site development
120 standards contained in HCC 21.50.020.

121 b. All multifamily residential and all commercial development on lands in this district
122 shall conform to the level two site development standards set forth in HCC 21.50.030.

123
124 Section 9. HCC xx.xx.080, Nuisance standards.

125
126 The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures
127 in this zoning district.

128
129 Section 10. HCC xx.xx.090 Lighting Standards.

130
131 The level one lighting standards of HCC 21.59.030 apply to all development, uses, and
132 structures in this zoning district.

133
134 Section 11. This Ordinance is of a permanent and general character and shall be
135 included in the City Code.

136
137 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
138 _____ 2014.

139
140 CITY OF HOMER

141
142
143 _____
144 MARY E. WYTHE, MAYOR

145
146 ATTEST:
147
148
149 _____
150 JO JOHNSON, CMC, CITY CLERK

151
152 YES:
153 NO:
154 ABSTAIN:
155 ABSENT:

156
157 First Reading:

[Bold and underlined added. Deleted language stricken through.]

158 Public Hearing:
159 Second Reading:
160 Effective Date:

161

162 Reviewed and approved as to form:

163

164

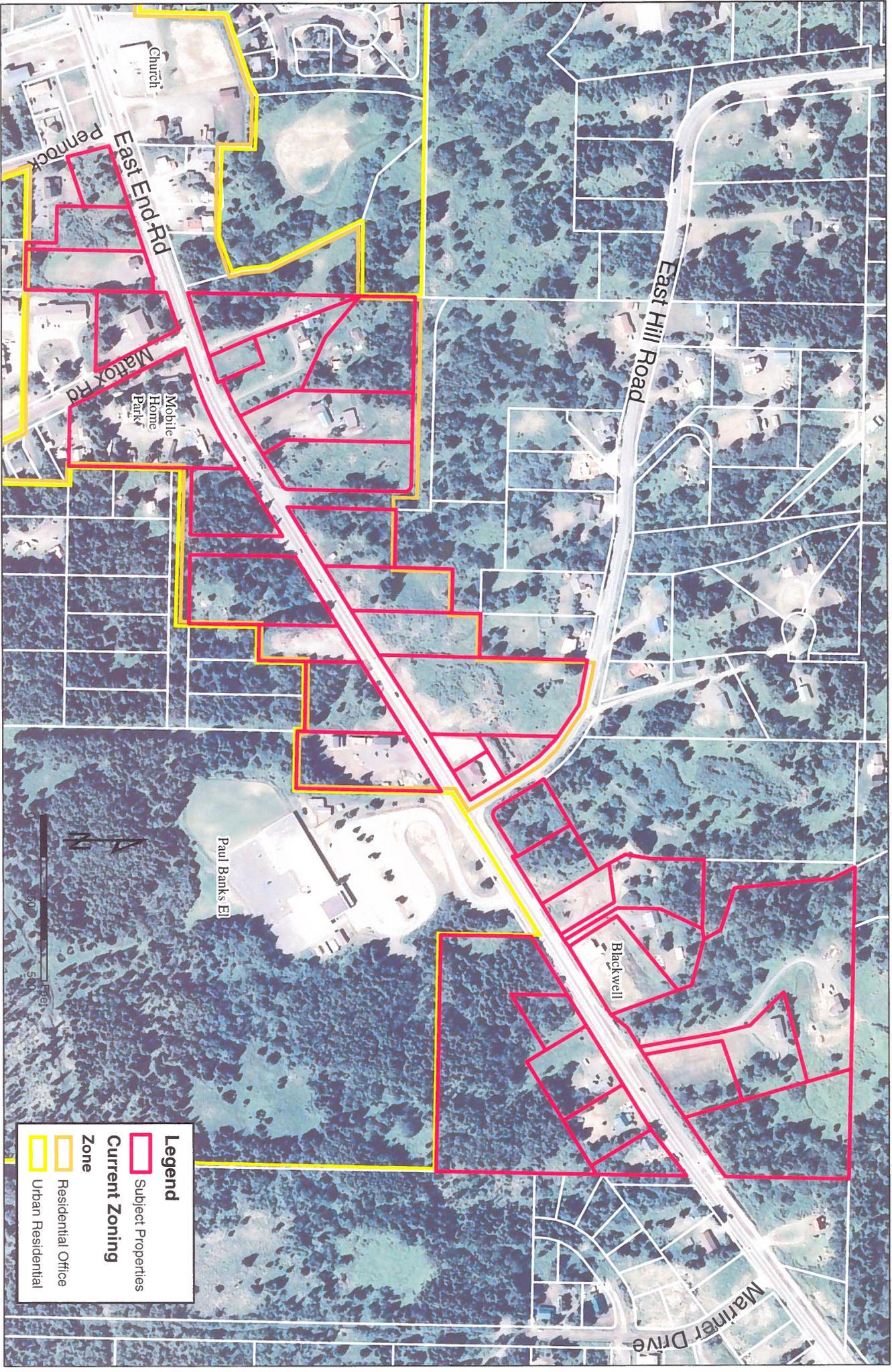
165

166 _____
Walt E. Wrede, City Manager

167 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____



Church

Pennock

East End Rd

Mattox Rd

Mobile Home Park

Paul Banks EJ

Blackwell

East Hill Road

Mariner Drive

Legend

Subject Properties

Current Zoning

Zone

Residential Office

Urban Residential



500
feet

City Planner Abboud reviewed the staff report.

The Commission discussed information from provided from other municipalities and discussion points included:

- There will probably always be issues with most locations
- Should the city plan for locations that they can be allowed
- Tower location is generally dictated by where the coverage is needed
- We won't be able to get around having them in residential districts
- There are federal regulations that come into play that over rule other regulations, particularly for cellular towers
- Limiting tower height relating to property set backs
- Co-locating towers blending in with the building structure
- Everyone has cell phones and land lines are going away, and having cell phones is a matter of public safety
- It would be beneficial to hear from the wireless communication industry
- Determining at what point would a tower have to be approved by CUP

Commissioner Stead made the following suggestions:

- It has to meet all the FCC requirements with spectral analysis and location, also the coverage are they propose to have with the tower, including back scatter and side scatter, main load, and what they are trying hit on the path.
- Tell what the frequencies are and whether or not any other radio device in the area will be affected.
- Include alternate locations that can be considered.
- Relating to wind energy towers, there are transmission lines that incorporate wind harvesting capability in them, as well as on home generators that are not obtrusive. Those things may want to be considered relating to wind towers.
- Regulate by zoning district, regulate by height, structural safety maybe, setback differences yes, and in the CUP process ask about alternative considerations and spectral analysis according to the FCC to tell us if they are reasonable in the locations.
- The FCC will regulate and mandate in their broadband initiatives.

Staff will work with the information tonight and try to come up with suggestions on regulations.

Commissioner Erickson was excused and left the meeting.

New Business

A. Staff Report PL 14-52, Creating the East End Residential Commercial Mixed Use District

The Commission began reviewing a list of uses to be considered in this district during the worksession. They resumed their review and went through the end of the list. They will look at dimensional requirements and guidelines on landscaping and concealment of certain things.

City Planner Abboud said staff will work with tonight's information and bring something back for review.





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STAFF REPORT PL 14-43

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
MEETING: May 21, 2014
SUBJECT: City Planner's Report

City Council - Ordinance 14-19,

An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End Mixed Use (E-MU). Van Dyke. Recommended dates: Introduction May 12, 2014, Refer to the Planning Commission.

REFERRED to the Planning Department.

POSTPONED to no time certain.

I did speak with Councilman Van Dyke and he was satisfied with an effort to craft an ordinance based on the land use recommendations found in the comprehensive plan. Although I did not have time to make a staff report on the subject, I would gladly welcome some general discussion in preparation for the subject next meeting. You will notice an east end neighborhood commercial described on page 4-5 and "East End RO Commercial MU" designation on the Land Use Recommendations map in the Comprehensive Plan.

Ordinance 14-20, An Ordinance of the Homer City Council Amending Homer City Code 21.18.030, Conditional Uses and Structures, 21.24.030, Conditional Uses and Structures, and 21.26.030, Conditional Uses and Structures, to Add Farmers' Market as a Conditional Use in the Central Business District, General Commercial 1 and General Commercial 2 Zoning Districts. Roberts.

Recommended dates: Introduction May 12, 2014, Refer to the Planning Commission.

AMENDED to add Open-Air Business to the three districts and REFERRED to the Planning Commission.

Staff activities: Dotti is out of the office until after Memorial Day. I am attending the Chamber mixer May 15th and will be attending a meeting with DOT to discuss Lake and Pioneer Street projects May 23rd. A schedule of meetings is being proposed for discernment of the proposed Public Safety Building. So far, three different sites are being considered.

Mayor Wythe called for a motion for the adoption of Ordinance 14-17(A) by reading of title only for second and final reading.

BURGESS/LEWIS - SO MOVED.

Council discussed the merits of additional compensation for the Mayor and Council. If one does not wish to receive compensation it can be given away. Increasing compensation may encourage someone with a low economic background to participate, knowing they will not have to sacrifice other necessities. The ordinance encourages younger people who make less money to run for a council seat; it is important for diversity. It is a small cost versus benefit for increased representation.

The lack of candidates can be tied to hearing that you are wrong; it takes a thick-skinned person to serve. It was suggested the stipend increase should be brought up at budget time or not at all since other things are not being funded. Although Council can contribute their stipend to a non-profit, the City should not be the bookkeeper for paying non-profits. Some folks are just too busy to devote the time that is required.

VOTE: YES. LEWIS, BURGESS, ROBERTS

VOTE: NO. HOWARD, ZAK, VAN DYKE

Mayor Wythe broke the tie with a NO vote.

Motion failed.

ORDINANCE(S)

- A. **Ordinance 14-19**, An Ordinance of the City Council of the City of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Rural Residential (RR), Urban Residential (UR) and Residential Office (RO) Zoning Districts to East End Mixed Use (E-MU). Van Dyke. Recommended dates: Introduction May 12, 2014, Refer to the Planning Commission.

Mayor Wythe called for a motion for the adoption of Ordinance 14-19 for introduction and first reading by reading of title only.

VAN DYKE/ZAK - SO MOVED.

Councilmember Van Dyke sponsored the ordinance since East End Road is one of the two primary corridors coming in and out of the city. It would be a huge benefit to landowners and the City to get more business and taxes into town.

Council discussed the East End Mixed Use District that would allow almost any kind of business to be mixed in the residential areas. Beginning at Bear Creek there are all kinds of businesses that extend to Kachemak Drive. The designation includes blanket commercial activities and residential. The intent is to expand uses along East End Road to make sure it is not strictly residential. The proposed designation is against the Comprehensive Plan. Council discussed zoning the area to a lower impact business area like Residential Office where different retail businesses could concentrate.

HOWARD/VAN DYKE - MOVED TO POSTPONE ORDINANCE 14-19 TO BE REWORKED WITH THE PLANNING DEPARTMENT SO IT IS MORE COMPLIANT WITH THE EXISTING COMPREHENSIVE PLAN.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

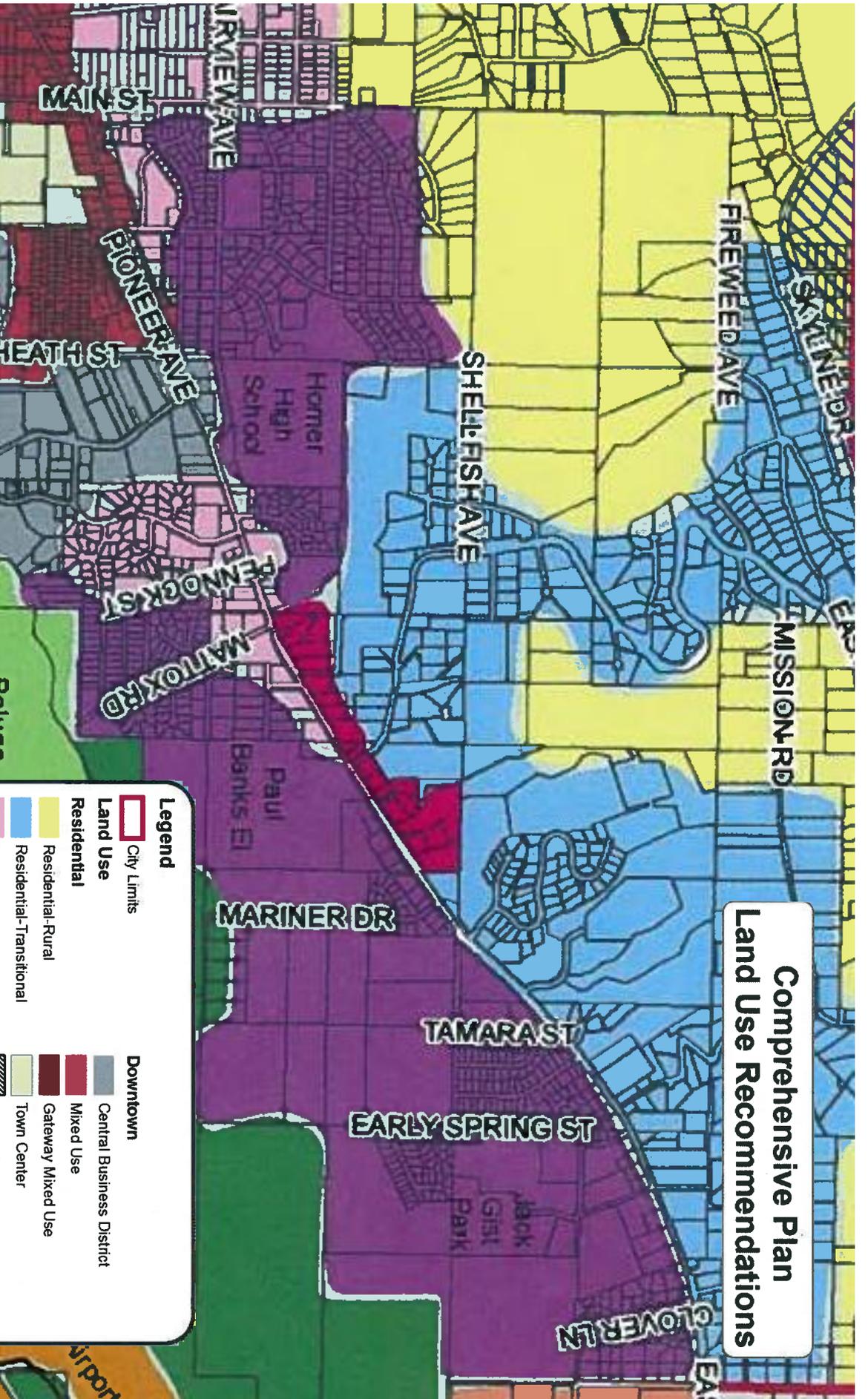
- B. **Ordinance 14-20**, An Ordinance of the Homer City Council Amending Homer City Code 21.18.030, Conditional Uses and Structures, 21.24.030, Conditional Uses and Structures, and 21.26.030, Conditional Uses and Structures, to Add Farmers' Market as a Conditional Use in the Central Business District, General Commercial 1 and General Commercial 2 Zoning Districts. Roberts. Recommended dates: Introduction May 12, 2014, Refer to the Planning Commission.

Mayor Wythe called for a motion for the adoption of Ordinance 14-20 for introduction and first reading by reading of title only.

ROBERTS/BURGESS – SO MOVED.

Council discussed Ordinance 14-20 at the Committee of the Whole. The definition of a Farmer's Market is different than an Open-Air Market.

BURGESS/LEWIS - MOVED TO AMEND TO ADD OPEN-AIR BUSINESS AS A CONDITIONALLY PERMITTED USE IN THE THREE CATEGORIES WHERE COUNCILMEMBER



**Comprehensive Plan
Land Use Recommendations**

This map shows a portion of the Land Use Recommendations map found in Chapter 4 of the Homer Comprehensive Plan. Not to Scale.

	Legend		City Limits
	Land Use		Downtown
	Residential		Central Business District
	Residential-Rural		Mixed Use
	Residential-Transitional		Gateway Mixed Use
	Residential-Office		Town Center
	Residential-Urban		Scenic Gateway Corridor Overlay
	Parks and Sensative Areas		Commercial
	East End RO Commercial MU		East End Mixed Use
	Open Space Rec		GC1-Residential
	Conservation		General Commercial 1
	Bridge Creek Watershed		General Commercial 2

